

2020 LEGISLATIVE UPDATE

OMNIBUS REAUTHORIZATION OF AGENCY RULES—DOCKET 19.0101.1900F

The 2019 Idaho Legislature did not reauthorize all existing administrative rules as they have done every year previous. This required executive administrative action to ensure rules remained in effect. Because rulemaking authority is vested in the Board of Dentistry, the board convened to properly authorize a notice of omnibus rulemaking. This provided the board an opportunity to redraft its rules to remove redundancies and simplify rules where feasible in accordance Governor Little's Red Tape Reduction Act. The 2020 Legislature again did not reauthorize agency rules so all omnibus rulemaking edits will go forward as temporary rules through the 2021 legislative session.

Rule Changes Include:

- 1) In the telehealth services rule, the Board eliminated the seventy-five mile radius requirement between the dentist and the patient. Having weighed comments on both sides of the issue, the Board concluded the requirement was likely too restrictive given the fact that no other state dental board, or Idaho medical board has a similar requirement. The Board further concluded that the delivery of dental healthcare through the telehealth model has sufficient safeguards in place without imposing a radius requirement. Those safeguards include the requirement that the dentist be licensed in Idaho, the dentist must practice to the standard of care, and the dentist must disclose to the patient their identity and obtain appropriate consents from the patient.
- 2) The Board modified the rule for dental assistant practice by placing the professional responsibility on the dentist to ensure the dental assistant is adequately trained to perform assigned duties. As is currently required, the dentist is responsible to supervise the dental assistant's work. The Board eliminated the dental assistant expanded function education requirement, and dental assistant program curriculum review. The Board does not license, certify, or register dental assistants.
- 3) The rules contain additional non-substantive edits under the Red Tape Reduction Act.

DENTAL THERAPY—DOCKET 19.0101.1901

Senate Bill 1129 authorized dental therapy licensure in Idaho effective July 1, 2019. The Board engaged in the formal rulemaking process throughout the summer and fall of 2019 and the pending rule was reviewed by the legislative germane committees. Although the Senate Health & Welfare committee took action to reject a portion of the rule, the action was not finalized because the legislature failed to take action to approve or reject agency rules. The rule docket adopted by the Board will go forward as a temporary rule through the 2021 legislative session.

MANDATORY PDMP CHECKS

The 2020 Idaho legislature passed, and Governor Little signed [Senate Bill 1348](#) that requires prescribers to check the PDMP. There are exceptions to the mandatory checks, so please review the bill language. The mandatory check requirement will go into effect on 10/1/2020. In preparation for this implementation date, the Idaho Board of Pharmacy is initiating *statewide* Gateway integration. Providers and healthcare facilities that have already integrated Gateway into their workflow express satisfaction with the ease and convenience of being able to access the PDMP in this way. There will be no charge to providers or facilities to connect. Interfaces are already built for 130 hospital, pharmacy and clinic software programs. More information will be made available in the coming weeks to assist with enrollment. If you have questions about the Gateway integration process please contact Teresa Anderson at Teresa.anderson@bop.idaho.gov. Questions relating to mandatory checking can be sent to Board of Pharmacy Executive Director, Nicki Chopski at Nicki.chopski@bop.idaho.gov.

HOW TO ACCESS A COPY OF LAWS AND RULES

The current Board of Dentistry statutes and administrative rules can be found on the Board website at www.isbd.idaho.gov under the Statutes & Administrative Rules tab.

If you have any questions, please contact the Board via email at sbdinfo@isbd.idaho.gov.

A NOTE FROM THE BOARD OF PHARMACY:

Attention: Controlled Substance Registrants - PDMP Delegate List Review

Is your delegate list up to date? The New Year is an opportunity to ensure the delegates assigned by you are still active and accurate. The delegate review is to ensure that delegate users of the Idaho Prescription Drug Monitoring Program are still authorized to perform searches on their supervisor's behalf. As a supervisor, you are responsible for activities performed within the system by your delegate(s). **Please take a moment to perform the delegate review by doing the following:**

- 1. Login to your Idaho PDMP account*
- 2. From your Dashboard click "View All Delegates"*
- 3. Review Delegates listed*
- 4. If delegates are correct, take no further action. If a delegate should be changed go to 5.*
- 5. Select any delegate to remove.*
- 6. Click on 'Remove'*
- 7. Click on 'Reject'*
- 8. Repeat steps 5, 6 and 7 until all unwanted delegates have been removed from the Delegate Management view.*

Thank you for your attention in this important matter.